

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Paul C. Modello

v.

Civil No. 11-cv-00305-JL

Federal Home Loan  
Mortgage Corporation

**ORDER AFTER PRELIMINARY  
PRETRIAL CONFERENCE**

The Preliminary Pretrial Conference was held in chambers on **August 25, 2011.**

The Discovery Plan (document no. 6) is approved as submitted. Jury trial scheduled for September, 2012.

The court is skeptical about the viability of Counts 2, 3 and 4 of the complaint. An amended complaint will be filed on or before **September 24, 2011.**

The defendant will not seek to evict the plaintiff without providing at least thirty (30) days notice to the court and the plaintiff.

**Summary Judgment.** The parties and counsel are advised that compliance with Rule 56(e) and Local Rule 7.2(b), regarding evidentiary support for factual assertions, and specification and delineation of material issues of disputed fact, will be required.

**Discovery disputes.** Discovery disputes will be handled by the undersigned judge, as opposed to the Magistrate Judge, in the normal course. No motion to compel is necessary. The party or counsel seeking discovery-related relief should confer with adverse counsel to choose mutually available dates, and then contact the Deputy Clerk to schedule a conference call with the court. The court will inform counsel and parties what written materials, if any, should be submitted in advance of the conference call.

Customary motions to compel discovery, while disfavored by the undersigned judge, are nonetheless permissible. If counsel prefer traditional discovery litigation to the conference call procedure set forth above, any such motion to compel should expressly request, in the title of the motion, a referral to the United States Magistrate Judge. Such referral requests will normally be granted. If the Magistrate Judge is recused, alternate arrangements will be made.

**SO ORDERED.**

  
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Joseph N. Laplante  
United States District Judge

Dated: August 25, 2011

cc: Peter G. McGrath, Esq.  
Peter G. Callaghan, Esq.